

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER**

UNITED STATES OF AMERICA,)	
Complainant,)	8 U.S.C. § 1324a Proceeding
)	
v.)	OCAHO Case No. 99A00003
)	
POINT SEBAGO ENTERPRISES, INC.,)	Judge Robert L. Barton, Jr.
Respondent.)	
)	

DECISION AND ORDER

(April 8, 1999)

This proceeding was initiated before me when, by notice of hearing dated October 15, 1998, Respondent was advised of the filing by Complainant of a complaint alleging violations of the employment verification requirements of Section 101 of the Immigration Reform and Control Act of 1986, 8 U.S.C. § 1324(a).

By a joint "Motion to Approve Consent Findings," executed by counsel for Complainant and representative for Respondent, the parties have submitted under 28 C.F.R. §68.14(a)(1) a proposed agreement in settlement of this action.¹ The terms of the agreement are contained in a document entitled "Consent Findings," executed by counsel for Complainant and representative for Respondent on March 5, 1999.

The agreement of the parties reflected in the Consent Findings is in a form which satisfies the controlling regulation for disposition by the judge of "[a]ny agreement containing Consent Findings." 28 C.F.R. §68.14(b). Therefore, as provided by 28 C.F.R. §68.14(c), this Decision and Order is issued.

FINDINGS OF FACT AND CONCLUSION OF LAW

1. The document entitled "Consent Findings," including the recitation of facts contained therein, is adopted and made a part of this Decision and Order, according to its terms as fully as if set out herein.
2. The parties have agreed, in effect, that Respondent admits each and every allegation

¹ See Rules of Practice and Procedure for Administrative Hearings, 64 Fed. Reg. 7066 (1999) (hereinafter cited as 28 C.F.R. Part 68).

as set forth in Count I, Count II, Count III, and Count IV, as amended, of the Complaint and Notice of Intent to Fine, incorporated therein. I conclude that the document entitled “Consent Findings” is fair and satisfactory, and there is no reason not to accept it within the contemplation of 28 C.F.R. §68.14.

3. On the basis of the “Consent Findings,” I find and conclude that Respondent has violated Section 274(a)(1)(B) of the Immigration and Nationality Act, 8 U.S.C. § 1324(a)(1)(B), with regard to employment of the individuals as identified in Count I, Count II, Count III, and Counsel IV, as amended, of the Complaint.

ACCORDINGLY, IT IS HEREBY ORDERED:

(1) that the Respondent pay a civil penalty in the amount of \$7,600 in the manner provided for in the “Consent Findings,”

(2) that each party bear its own attorney fees, other expenses and costs incurred by such party in connection with any stage of this proceeding,

(3) that this Decision and Order has the same force and effect as a decision and order made after a full administrative hearing,

(4) that the entire record on which this Decision and Order is based consists solely of the Complaint, as amended, the Notice of Hearing, and the “Consent Findings” duly executed by the parties,

(5) that pursuant to 28 C.F.R. §§68.14(b)(3) and (4), the parties have waived any further procedural steps before the Administrative Law Judge, and any rights to challenge or contest the validity of the consent findings or this Decision and Order; and

(6) that the hearing is canceled.

ROBERT L. BARTON, JR.
ADMINISTRATIVE LAW JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of April, 1998, I have served the foregoing Decision and Order on the following persons at the addresses shown, by first class mail, unless otherwise noted:

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